

TIM BURTON'S
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NIGHTMARE
BEFORE
CHRISTMAS
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A Regular Meeting of the Weslaco City Commission

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Ave. on Tuesday, December 20, 2011 at 5:30 p.m. for the purpose of discussing the following items:

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Mayoral Proclamations and Recognitions.
- C. Invocation.
- D. Pledge of Allegiance.
- E. Roll Call.



II. PUBLIC HEARINGS



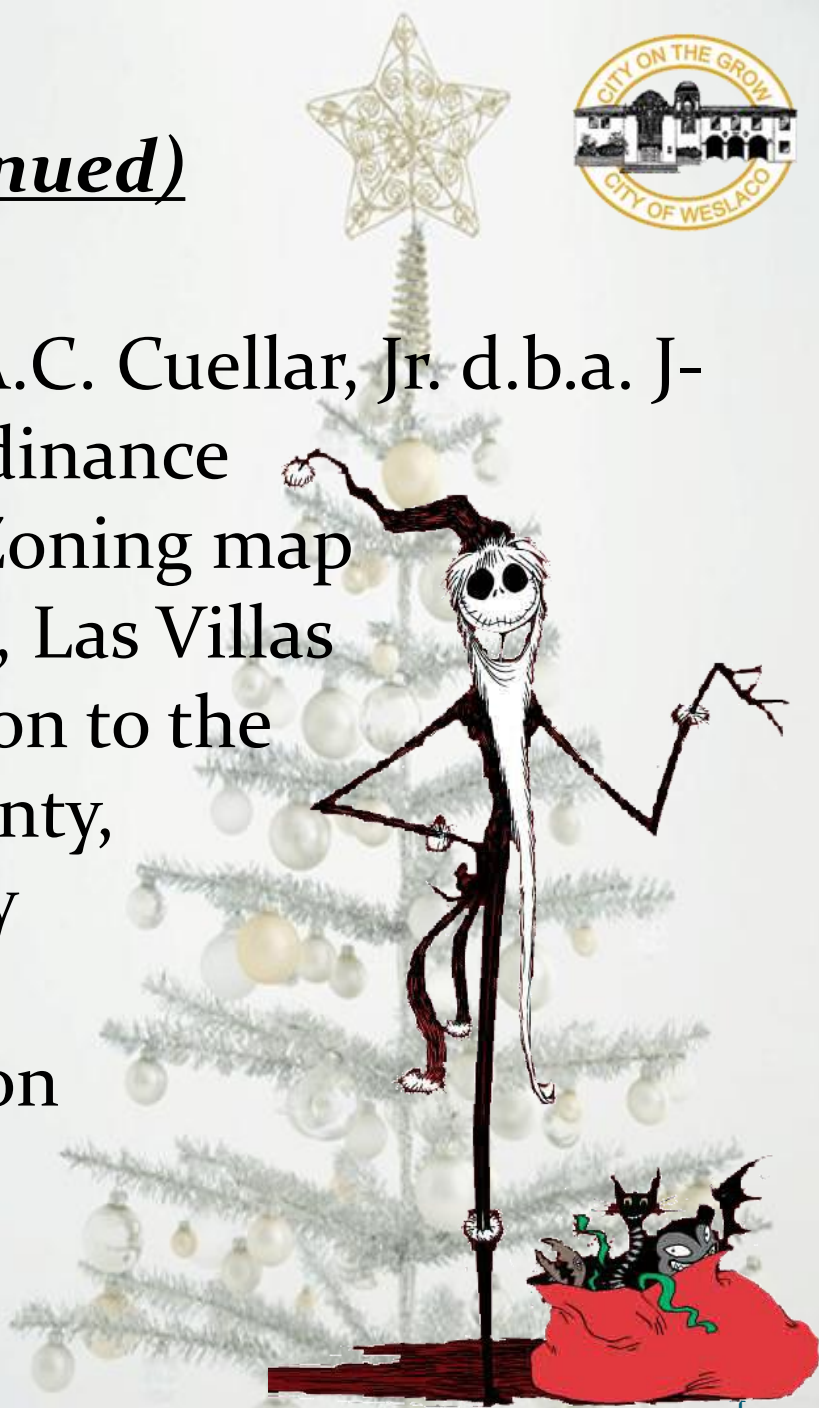
- A. To solicit input on behalf of Jessica M. Pineda to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2501 N. Bridge, also being the S98.2' of Lot 1, Country Acres, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District."





II. PUBLIC HEARINGS *(Continued)*

- B. To solicit input on behalf of A.C. Cuellar, Jr. d.b.a. J-III Investments to amend Ordinance 320 and the City of Weslaco Zoning map to rezone all of Lots 1 thru 121, Las Villas Santos Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “M-1 Mobile Home Subdivision District.”



III. STATUS REPORTS & VISITORS WITH BUSINESS



- A. Knapp Medical Center acquisition by Universal Health Services, Inc.
- B. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco (EDC), regarding monthly economic development activities. Attachment.
- C. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.





IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

IV. CONSENT AGENDA – (Continued)



A. Approval of the Minutes of the Regular Meeting of December 6, 2011. Attachment.

B. Approval on Second and Final Reading of the following ordinances:

- 1) Ordinance 2011-38 to amend the Master Fee Schedule to allow the City Manager or designee to waive part or all of any municipal fee. (First Reading held December 6, 2011.) Attachment.



IV. CONSENT AGENDA – (Continued)



B. Continued:

- 2) Ordinance 2011-39 authorizing a request for voluntary annexation of a one-lot subdivision off of Moreland Drive, being a 2.01 acre tract of land out of Farm Tract 1100, Block 114, West Tract Subdivision, Hidalgo County, Texas, in accordance with §43.122 and §43.129 which allows the City to annex the right of way leading to the subdivision, to provide water and wastewater service by the City of Weslaco.

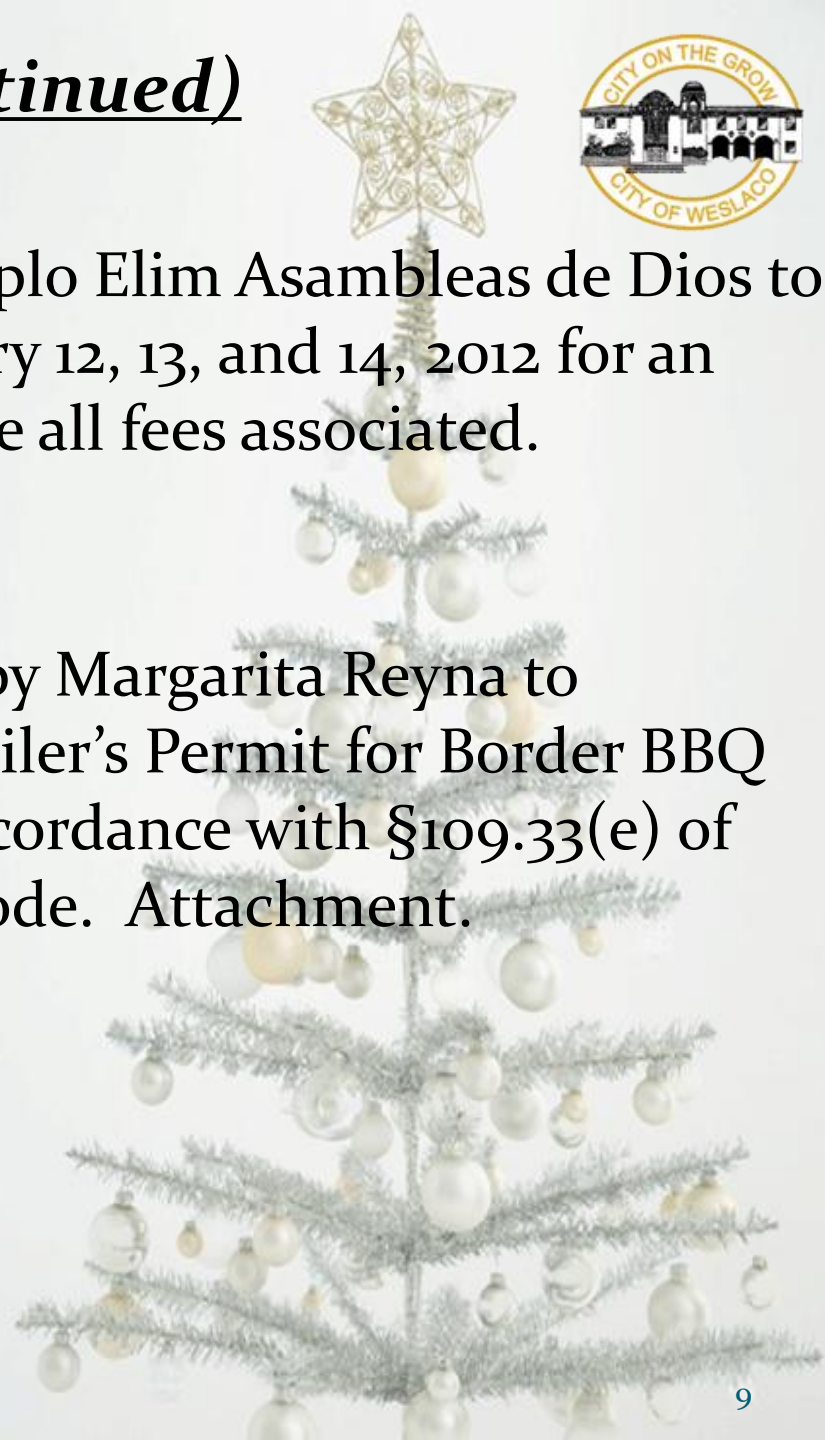


(First Reading held December 6, 2011.) Attachment.

IV. CONSENT AGENDA – (Continued)



- C. Approval of the request by Templo Elim Asambleas de Dios to utilize La Placita Park on January 12, 13, and 14, 2012 for an evangelistic campaign and waive all fees associated. Attachment.
- D. Approval of a variance request by Margarita Reyna to authorize a Wine and Beer Retailer's Permit for Border BBQ at 1200 W. Pike Boulevard in accordance with §109.33(e) of the Texas Alcoholic Beverage Code. Attachment.



IV. CONSENT AGENDA – (Continued)



- E. Approval of Resolution 2011-76 invoking the Evergreen Clause of Article 6, Section 01 contained in the Collective Bargaining Labor Agreement with the Weslaco Fire Fighters Association, IAFF Local # 3207, to provide that the current agreement remain in full force and effect until replaced by a successor agreement or for a time not to exceed one (1) additional year. Attachment.



IV. CONSENT AGENDA – (Continued)



- F. Approval of the renewed provision of adult education and literacy programs including GED classes by Region 1 Education Service Center, as monitored by the Texas Education Agency (TEA), at the Mayor Joe V. Sanchez Public Library at no cost to the City and authorize the Mayor to execute any related documents. Attachment.



III. CONSENT AGENDA – (Continued)



- G. Approval of the City of Weslaco pay grades and ranges for Exempt and Non-Exempt Employees in compliance with Federal Labor Standards Act (FLSA) and the Department of Labor (DOL) and authorize corresponding budget amendments as needed. Attachment.



V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-77 to appoint one member to an unexpired term on the Library Board. Possible action. Attachment.



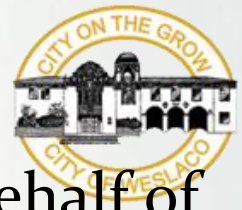


VI. NEW BUSINESS

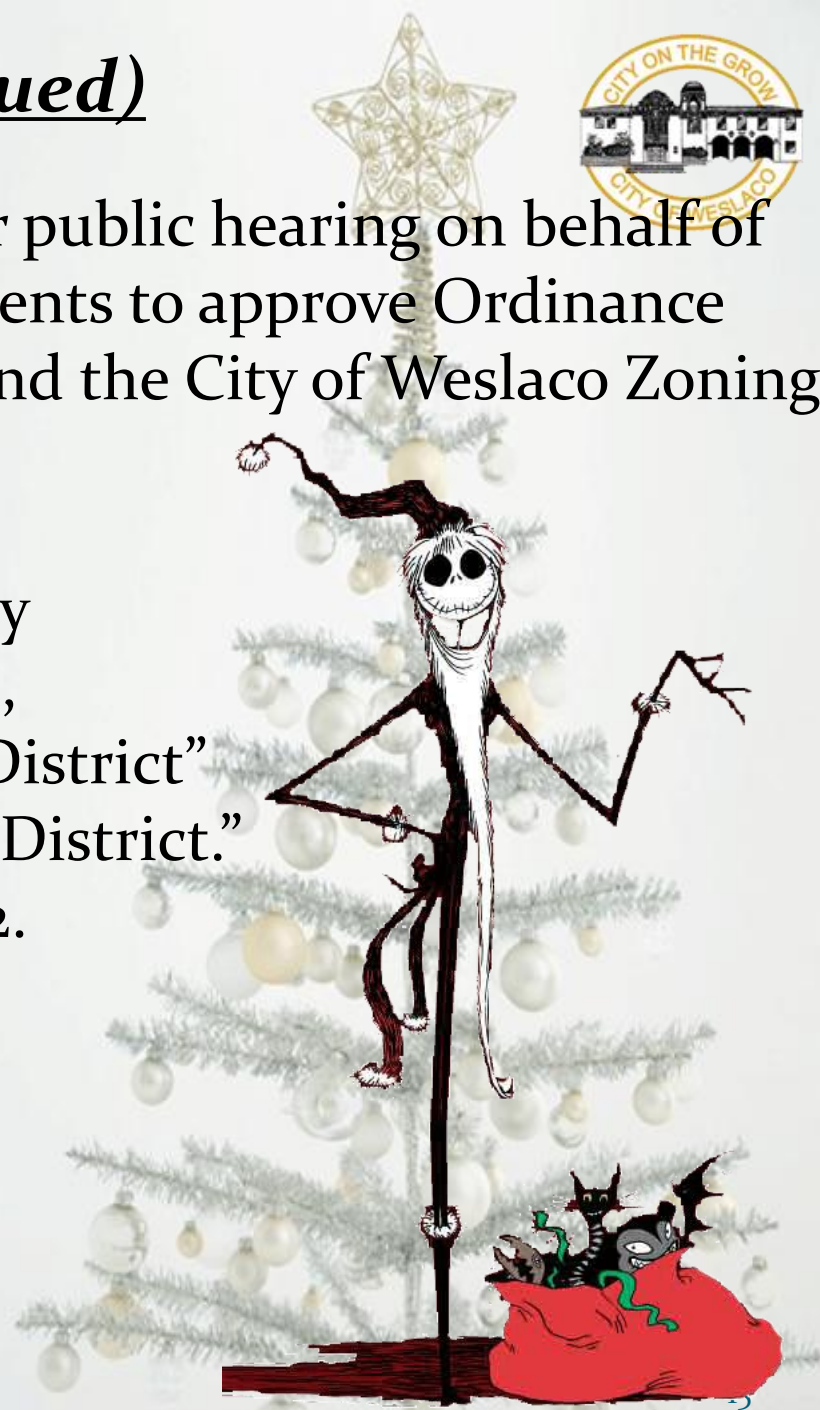
- A. Discussion and consideration after public hearing on behalf of Jessica M. Pineda to approve Ordinance 2011-41 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2501 N. Bridge, also being the S98.2' of Lot 1, Country Acres, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2011-41.
Possible action. Attachment.



VI. NEW BUSINESS – (Continued)



- B. Discussion and consideration after public hearing on behalf of A.C. Cuellar, Jr. d.b.a. J-III Investments to approve Ordinance 2011-42 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone all of Lots 1 thru 121, Las Villas Santas Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “M-1 Mobile Home Subdivision District.” First Reading of Ordinance 2011-42. Possible action. Attachment.



VI. NEW BUSINESS – (Continued)



- C. Discussion and consideration on behalf of Trinity Development Group to approve the Final Plat of Trinity MEP, Phase II Subdivision, being 2.10 of one acre of land out of Farm Tract 1033, West and Adams Tract Subdivision, Hidalgo County, Texas, located on the northwest corner of Moreland Drive and Plaza Los Encinos Drive. Possible action. Attachment.
- D. Discussion and consideration on behalf of Robert Perales to approve the Final Plat of Red Bird #3 Subdivision, being a 2.01 acre tract of land out of Farm Tract 1100, Block 114, West and Adams Tracts Subdivision, Hidalgo County, Texas, located on the north side of the intersection of Moreland Drive and Samaria Street. Possible action. Attachment.



VI. NEW BUSINESS – *(Continued)*

E. Discussion and consideration on behalf of Fred Perez to approve the Final Plat and proposed variance of Professional & Medical Complex Phase II, being a 14.615 acre tract of land being out of Farm Tract 17 West Tract Subdivision, Hidalgo County, Texas, located on Pleasantview Drive, South of Expressway 83. Possible action. Attachment.





VI. NEW BUSINESS – (Continued)

- F. Discussion and consideration to approve Amendment No. 21 to the existing contract between the City of Weslaco and Operations Management International, Inc. (OMI) by increasing the base fee 2.9% for the annual Consumer Price Index (CPI), corresponding to an increase not to exceed \$83,449.00, for professional operation and maintenance services of the City of Weslaco Water and Wastewater Treatment for fiscal year October 1, 2011 to September 30, 2012, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (This item was tabled November 15, 2011.)
Attachment.





VI. NEW BUSINESS – (Continued)

- G. Discussion and consideration to enter into a contract for the services of a construction manager-at-risk as per §271.118 of the Texas Local Government Code for the emergency rehabilitation of Lift Station 36, authorize budget amendments as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Lift Station 36 declared an imminent threat as per §252.022(a) (2) of the Local Government Code on November 1, 2011.)





VI. NEW BUSINESS – (Continued)

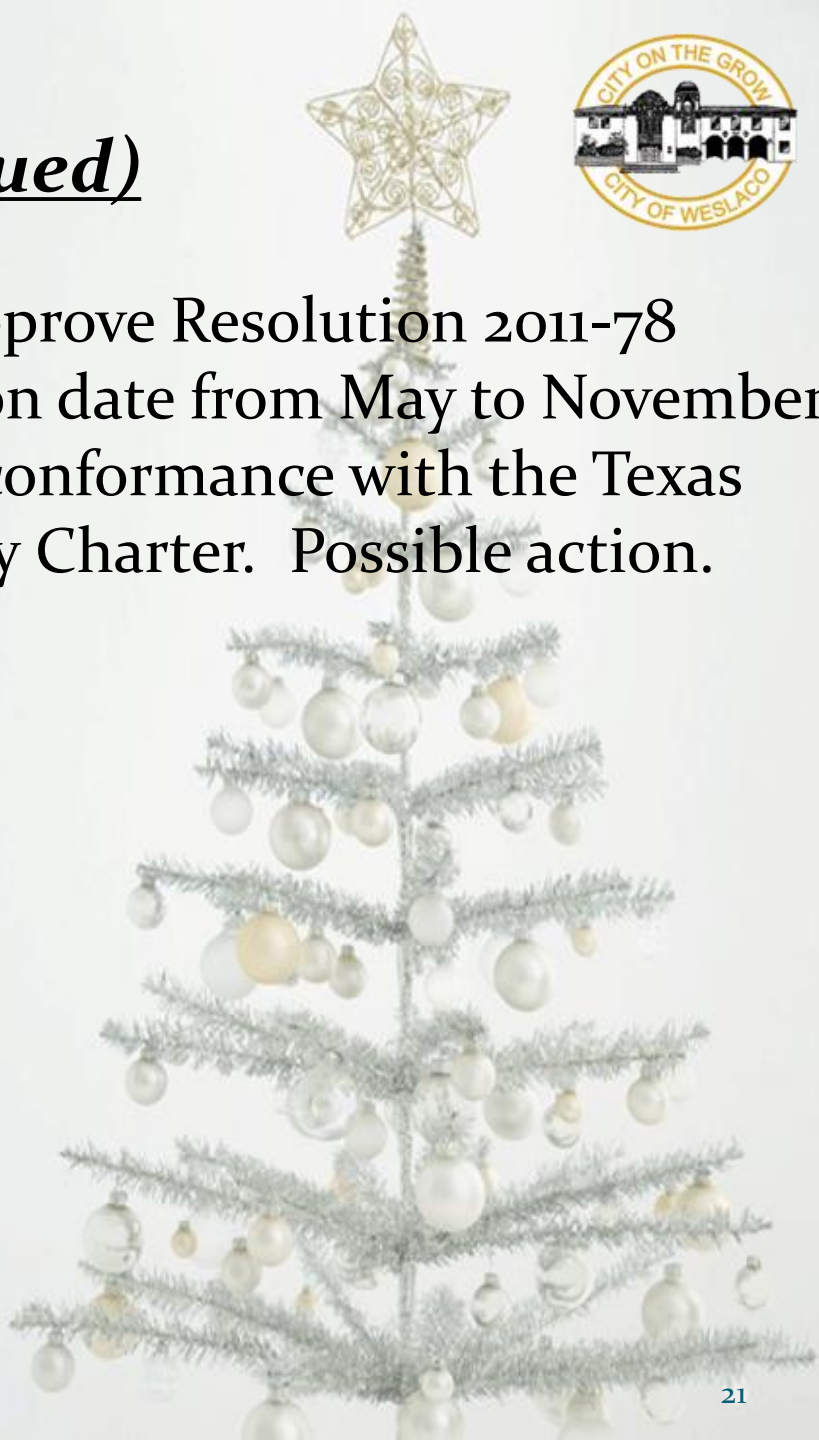
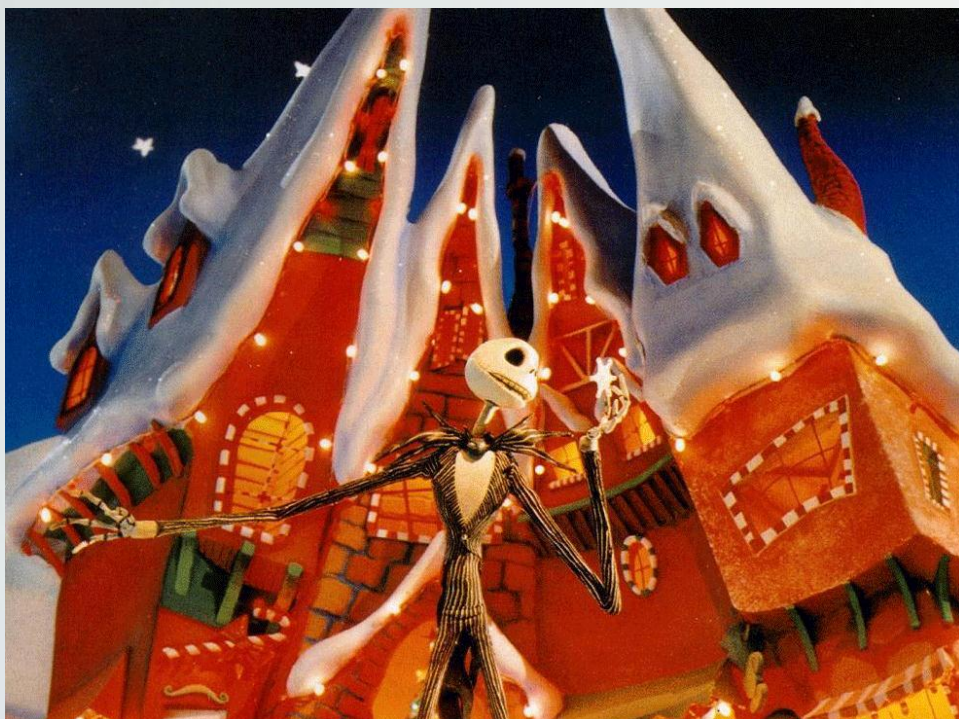
- H. Discussion and consideration after public hearing to adjust and approve the redistricting plan(s) establishing new district boundary lines based on 2010 Census data for Weslaco City Commission elections. Possible action. Attachment.
- I. Discussion and consideration to approve Resolution 2011-79 to adopt the final Single Member Commissioner Districts redistricting plan and authorize redistricting legal counsel to seek Voting Rights Act Section 5 preclearance of adopted plan. Possible action. Attachment.





VI. NEW BUSINESS – (Continued)

- J. Discussion and consideration to approve Resolution 2011-78 changing the City's General Election date from May to November pursuant to Senate Bill 100 and in conformance with the Texas Election Code and the Weslaco City Charter. Possible action. Attachment.





VII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment.
- B. Report by Airport Department.



VIII. PUBLIC COMMENTS



The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

IX. EXECUTIVE SESSION



Texas Government Code, Section 551 Open Meetings:
§551.145. Closed Meeting Without Certified Agenda or Tape
Recording; Offense; Penalty





(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection

(a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

IX. EXECUTIVE SESSION – (Continued)

- A. At the time of posting, there are no executive session items.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

XI. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 16th day of December, 2011 at 7:00 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.

